IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6181 OF 2007

Shri Somnath Agnuram Gupta .. Petitioner.

V/s.

1. Shri Suresh Dattatraya Patil & Anr. .. Respondents.

Mr.A.A. Garge for the Petitioner.

Ms.Varsha Sawant i/by Ms. Gauri Godse for Respondents.

CORAM : S. A. BOBDE, J.

DATED : 14th SEPTEMBER, 2007.

P.C. :-

. This is a prayer for time to vacate. The respondents sued the applicant/petitioner for eviction some time in the year 1987. The suit was decreed against the applicant. He filed an appeal which is pending. The appellate court granted a conditional stay to the decree. However, the applicant failed to comply with the conditions of the stay and challenged the conditions before this court.

2. This court rejected the writ petition on 15.03.2007. The appellant challenged the order of this court before the Hon’ble Supreme Court of India.

Admittedly, Their Lordships have also dismissed the special leave petition. After all this, the applicant had applied for time to vacate the premises before the executing court at Kalyan.

3. Having regard to the facts of the case and the conduct of the applicant in failing to comply with the conditions imposed by the appellate court and the further failing to establish those that conditions are unreasonable in any way, there is no merit in the request of the applicant. The applicant’s request for time to vacate is hereby rejected.

4. The respondents are however, directed not to execute the decree for a period of seven days from today.

5. Order accordingly. Petition is disposed of.

(S.A.BOBDE,J.)

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